

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KENNETH TRIMBLE, ) 4:08CV3116  
 )  
 Plaintiff, )  
 v. ) ORDER  
 )  
 BNSF RAILWAY COMPANY, )  
 )  
 Defendant. )

Pursuant to rulings made by the court during a conference with the parties today immediately prior to trial,

IT IS ORDERED that the defendant's motion in limine (filing [44](#)) is granted in part and denied in part, as follows:

1. Paragraph 1 is sustained.
2. Paragraph 2 is overruled, but if the plaintiff contends that his financial condition prevented him from mitigating damages he will need to show actual evidence of this, and not merely state, for example, that he did not have enough money to look for employment elsewhere.
3. Paragraphs 3 through 6 are sustained.
4. Paragraph 7 is sustained, except that the plaintiff will be allowed to present evidence of statements by other BNSF employees that were made directly to Rich Stauffer, or that were repeated to him, before Stauffer communicated with Alstom about the plaintiff.
5. Paragraph 8 is overruled, but the plaintiff will need to establish that the other former BNSF employees were similarly situated to him.

November 30, 2009.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge